

APPENDIX C

COMMENTS ON THE DRAFT EA AND RESPONSES TO COMMENTS

Comments were accepted for 45-days on the *United Comstock Merger Mill at American Flat Environmental Assessment* January 19, 2013 (due to the Martin Luther King holiday weekend the comment period was extended until January 22, 2013).

Although not required for an EA by regulation, an agency may respond to *substantive* and *timely* comments received. Substantive comments: 1) question, with reasonable basis, the accuracy of information in the EA; 2) question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis; 3) present new information relevant to the analysis; 4) present reasonable alternatives other than those analyzed in the EA; and/or 5) cause changes or revisions in one or more of the alternatives. No response is necessary for non-substantive comments (BLM 2008). The process to comment was described in Section 6.1 of the draft EA.

I. Comments by Individuals, Organizations, and Agencies

The BLM received 40 comment letters (or emails) from individuals, organizations, and agencies. All comment letters (or emails) were reviewed and categorized. No comment resulted in a substantive revision to the draft EA in either the analysis that is included or to the Alternatives themselves. The comments and responses are summarized below:

A. Individuals

No.	Comments	Response
1.	Commentors noted support of Alternative 1 and an interpretive center.	The BLM received 24 non-substantive “form emails.” The comments were identical. As described in Section 2.3.1, under Alternative 1 No Action (Current Management), the AFM site would continue to subside and collapse. No effort would be taken by the BLM to prevent this from occurring and no interpretive facility would be constructed. As described in Section 2.3.7, the BLM received a proposal to construct an interpretive facility. The proposal was deemed too speculative and not economically feasible.
2.	Commentor noted the loss of area historic structures and landmarks. Suggested using money for demolition for cleaning the site up, constructing a perimeter fence and placing additional warning signs.	As described in Section 3.3, the existing fencing surrounding the structures and the perimeter fencing are ineffective in deterring the public from entering into the structures.
3.	Commentor noted the government is trying to protect the public from themselves. Suggested closing the site except for tours and charging fees; extending the V&T tour to include a guided tour. Use entrance fees for structural stabilization.	As described in Section 1.2, the site has been deemed a high-risk liability for the U.S. Government. To date the BLM has not been approached by any non-governmental entities to set up a volunteer-based tour program.
4.	Commentor noted the site could be turned into a tourist attraction; the V&T could use shuttle buses for tours of the site; entrance fees could be used to maintain the site.	As described in Section 2.3.7, the BLM received a proposal to construct an interpretive facility. The proposal was deemed too speculative and not economically feasible. The BLM has not received any proposal from the V&T railroad to add tours of the site during the Carson to Virginia City train ride.

5.	<p>Commentor stated that their experience is they have never seen an ambulance or police car at the AFM site. Suggested using the money for demolition to stabilize the site; add warning signs “enter the grounds at their own risk.” The BLM is mandated to preserve historic resources.</p>	<p>Law enforcement and EMS recorded incidents at the site are described in Section 3.3. As described in Section 2.3.7, the BLM received a “Ruins Conservation” alternative in 2012 but deemed the proposal too speculative and not economically feasible. Unless existing law regarding liability is changed, the BLM is at risk for liability due to the physical safety hazards that exist at the AFM site; adding more signs would not diminish that liability. As described in Section 4.2, the BLM will meet its obligations under the National Historic Preservation Act through execution and implementation of a Programmatic Agreement. As described in Section 4.2, all signatories to the Programmatic Agreement recognized all alternatives included in the EA would have an adverse effect to historic resources. Through execution of the Programmatic Agreement, mitigation will be implemented by the BLM.</p>
6.	<p>Commentor noted that they believe this proposal is to “please Comstock Mining Company.”</p>	<p>Comment noted.</p>
7.	<p>Commentor noted that in their opinion the site was a bigger attraction than Virginia City.</p>	<p>Comment noted. The most recent estimate the BLM has for visitor attendance to Virginia City is 600,000 people annually (Dotson 2012). Although no visitor surveys have been conducted, the BLM estimates the attendance at the AFM site approximately 2-3,000 people per year.</p>
8.	<p>Commentor stated the dangers at the AFM site are overstated and one death in 93 years does not constitute a public hazard. Commentor noted the four million dollar cost for demolition as a taxpayer waste during an economic downturn. Commentor stated that the Proposed Action would have significant effects to the human environment and an EIS is required. Supported Alternative 1, No Action.</p>	<p>Previous cost estimates developed (and referred to in the 2010 EA) were “order of magnitude” estimates and were not intended to infer actual costs based on final design, contract award etc. Final costs for any alternative may be higher or lower. During the public review period the BLM made available a draft Finding of No Significant Impact for review and comment. No commentors raised questions regarding the analysis contained in the FONSI, nor did the BLM identify any significant effects from the Proposed Action. As described in Section 2.3.1, under Alternative 1 No Action (Current Management), the AFM site would continue to subside and collapse. No effort would be taken by the BLM to prevent this from occurring.</p>
9.	<p>Commentor stated that the Area of Potential Effect should have included the entire Virginia City National Historic Landmark Historic District. Commentor stated that the BLM unfairly applied higher standards to the Walter and Green alternative than to any other alternative. Commentor stated that it was inappropriate for the BLM to deem the Walter and Green alternative infeasible when it did not provide any cost estimates for any of the alternatives. The mitigation proposed is inadequate for the significance of the historic resources that would be lost.</p>	<p>As depicted in Attachment A, Project Area, the BLM recognized that the AFM site is located within the Virginia City National Historic Landmark and Register District. As described in Section 3.2, the BLM submitted to the SHPO a determination of the project’s APE in December 2010 and the SHPO concurred with this finding in January 2011. As described in Section 2.37, the Walter and Green report failed to provide any detail to determine how access into the structures would be managed and what type of interpretive program would be implemented. Alternatives fully considered described what measures would be taken to abate the physical safety hazards and how the use would be managed. “Order of magnitude” preliminary cost</p>

		<p>estimates were included in the original 2010 EA, and are also included in the Walter and Green report. Although the BLM does use these preliminary cost figures to evaluate an alternatives' economic feasibility, they do not have a bearing on the evaluation of the effects to the human environment as required under NEPA. As a result, no "order of magnitude" preliminary cost estimates were included in the 2012 draft EA. As described in Section 4.2, the BLM will meet its obligations under the National Historic Preservation Act through execution and implementation of a Programmatic Agreement. As described in Section 4.2, all signatories to the Programmatic Agreement recognized all alternatives included in the Final EA would have an adverse effect to historic resources. Through execution of the Programmatic Agreement, mitigation would be implemented by the BLM.</p>
--	--	---

B. Organizations

No.	Comments	Response
1.	Comments by the V&T Railroad Historical Society. Provided the BLM an array of historic photos of the AFM site and interior, and description of the sites' history. Noted the site is viewed by 80,000 rides on the V&T railroad each year. Urged the BLM to reconsider the demolition of the site. Supported retention of at "least some portion of the structures and safely secure some vestige of this important facility..." In the email received, V&T Railroad Historical Society stated the letter was in protest to the decision to demolish the site.	Thank you for the additional information on the sites' history and the photographs. As described in Section 2.3.3 and 2.3.4, the BLM considered securing the site through institutional controls such as an extensive perimeter fencing and on-site security (Alternative 3), and selected building retention (Alternative 4). As described in Section 4.3, Alternative 3 and 4 would only partially address the short-term and long-term physical safety hazards present. The BLM would note that a draft EA is not protestable nor was the Proposed Action included in the draft EA a "decision."
2.	College of Liberal Arts. Provided a report published on the AFM site in 1997 or 1998.	Thank you for this additional information.

C. Agencies

No.	Comments	Response
1.	State Land Use Planning Agency does not support any alternative that involves demolition of the historic structures.	Comment noted.
2.	State Land Use Planning Agency supports all comments contained in the letter from the SHPO.	Comment noted.
3.	Comstock Historic District opposed to demolition of the site. Commented that concrete materials could include asbestos; the presence of asbestos could have a significant effect on demolition costs.	Fiber-cement composite asbestos containing materials (ACMs) which were used in the early 1900's for fire resistance were flat and corrugated sheets, pressure pipes, and fire-resistant boards. The environmental contractor who conducted the site investigation conducted numerous walkovers of the site and none of these or any other common ACMs were observed in the buildings or debris. Therefore, no samples were collected and analyzed for asbestos. Previous cost estimates developed (and referred to in the 2010 EA) were "order of magnitude" estimates and not intended to infer actual costs based on final

		design, contract award etc. Final costs of any alternative may be higher or lower.
4.	State Historic Preservation Officer does not support the Proposed Action; support of the Walters and Green Alternative.	As described in Section 2.3.7, the BLM received a “Ruins Conservation” alternative in 2012 but deemed the proposal too speculative and not economically feasible.
5.	State of Nevada, Commission on Minerals Resources, Division of Minerals. Support of Alternative 2, Demolition. States that based on an NDOM inventory of the site, under Nevada Administrative Code 513.230, the site was determined to be in “dangerous conditions.”	Comment noted.